

LAND ACTS (IRELAND).

# R E P O R T

OF THE

## ROYAL COMMISSION

ON

THE LAND LAW (IRELAND) ACT, 1881,

AND

THE PURCHASE OF LAND (IRELAND) ACT, 1885.

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*Presented to both Houses of Parliament by Command of Her Majesty.*

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## COMMISSION.

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### VICTORIA REG.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith, To Our Right Trusty and Right Well-beloved Cousin and Counsellor Francis Thomas De Grey, Earl Cowper, Knight of Our Most Noble Order of the Garter; Our Right Trusty and Right Well-beloved Cousin Edward Nugent, Earl of Miltown; Our Trusty and Well-beloved Sir James Caird, Knight Commander of Our Most Honourable Order of the Bath; Our Trusty and Well-beloved John Chute Neligan, Esquire, one of Our Counsel Learned in the Law in that part of Our United Kingdom of Great Britain and Ireland called Ireland, Recorder of the City of Londonderry; and Our Trusty and Well-beloved George Fottrell, junior, Esquire, Greeting:

WHEREAS We have deemed it expedient that a Commission should forthwith issue to inquire and report to what extent, if any, and in what parts of that portion of Our United Kingdom of Great Britain and Ireland, called Ireland, the operation of the Land Law (Ireland) Act, 1881, is affected either by combinations to resist the enforcement of legal obligations, or by an exceptional fall in the price of produce; and also to inquire and report to what extent there exists any general desire among tenants to avail themselves of the provisions of the Purchase of Land (Ireland) Act, 1883, and whether the operation of that Act might be expedited and extended, especially in the congested districts, by providing security, through the intervention of Local Authorities, for loans advanced from public funds for the purchase of land, and also to report whether any modifications of the law are necessary.

NOW KNOW YE, that We, reposing great trust and confidence in your knowledge, discretion, and ability, have authorised and appointed, and by these Presents do authorise and appoint you the said Francis Thomas De Grey, Earl Cowper; Edward Nugent, Earl of Miltown; Sir James Caird; John Chute Neligan, and George Fottrell to be Our Commissioners for the purpose aforesaid.

AND for the better effecting the purposes of this our Commission, We do by these Presents authorise and empower you, or any two or more of you, to call before you, or any two or more of you, such persons as you may judge necessary to examine, and by whom you may be the better informed in the several matters hereby submitted for your consideration, and everything connected herewith, and generally to inquire of and concerning the premises by all other lawful ways and means whatsoever; and also to call for, have access to, and examine such books, documents, papers, writings, or records, as you, or any two or more of you, shall judge likely to afford the fullest information concerning the several matters hereby submitted for your consideration.

AND We also by these Presents authorise and empower you, or any two or more of you, to visit and personally inspect such places as you, or any two or more of you, may deem expedient for the more effectually carrying out the purposes aforesaid.

AND Our further will and pleasure is that you, or any two or more of you, do report to us with all convenient speed, in writing under your hands and seals, your several proceedings by virtue of this Our Commission, and what you shall find touching or concerning the premises, together with your opinion upon the matters hereby referred for your consideration.

AND We further will and command and by these Presents ordain that this Our Commission shall continue in full force and virtue; and that you Our Commissioners do from time to time proceed in the execution thereof, although the same be not continued from time to time by adjournment.

AND for your farther assistance in the execution of these Presents, We do hereby appoint Our Trusty and Well-beloved Francis George Hodder, Esquire, Barrister-at-Law, to be Secretary to this Our Commission, and We require you to use his services and assistance from time to time, as occasion may require.

Given at Our Court at Saint James's, the Twenty-ninth day of September,  
1886, in the Fiftieth year of Our Reign, By Her Majesty's Command,

(Signed) HENRY MATTHEWS.

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Mr. George Fottrell, junior, resigned on the 1st October, before the Commissioners met, and Mr. Thomas Knipe, of Bellaghy, Armagh, was appointed a Commissioner in Mr. Fottrell's place.

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## REPORT OF THE COMMISSION.

TO THE QUEEN'S MOST EXCELLENT MAJESTY

MAY IT PLEASE YOUR MAJESTY—

I. WE, the undersigned Commissioners, appointed by Your Majesty on 29th September 1885 to inquire and report "to what extent, if any, and in what parts of that portion of the United Kingdom of Great Britain and Ireland called Ireland the operation of the Land Law (Ireland) Act, 1881, is affected, either by combination to resist the enforcement of legal obligations or by an exceptional fall in the price of produce; and also to inquire and report to what extent there exists any general desire among tenants to avail themselves of the provisions of the Purchase of Land (Ireland) Act, 1885, and whether the operation of that Act might be expedited and extended, especially in the congested districts, by providing security through the intervention of local authorities for loans advanced from public funds for the purchase of land; and also to report whether any modifications of the law are necessary," humbly submit the following report of our proceedings and the result of our inquiries, to Your Majesty.

Introductory.

*Proceedings of the Commission.*

2. We met in Dublin for the first time on the 6th of October, and having considered the questions with which we had to deal, we appointed Wednesday, the 13th of the same month, as the first day for the hearing of evidence. This fixture was duly notified in the Dublin daily and other newspapers, the existence and scope of the Commission having previously been made known in the public press.

Commencement of inquiry.

3. We commenced taking evidence in Dublin on the 13th of October, having arranged to sit there continuously until the 20th. We then adjourned the Dublin sittings, and commenced sittings in the country on the 22nd of October. We visited successively Londonderry, Omagh, Belfast, Armagh, Galway, Limerick, Killarney, and Cork, concluding our sittings in Cork on Wednesday, the 19th of November. After a short adjournment we sat in Dublin from the 2nd of December to the 14th, both inclusive, and met again at Westminster on January 7th to consider our Report. We have held in all 60 sittings. We examined 305 witnesses, among whom every county in Ireland was represented. The witnesses included four of the Land Commissioners, the Right Hon. Stephen Flanagan, lately judge of the Landed Estates Court; the Registrar-General of Ireland; 72 landowners and agents; 170 tenant farmers; besides several sub-commissioners and ex-sub-commissioners, some of the divisional and resident stipendiary magistrates, clergymen of all denominations, solicitors, and others who, from their experience and knowledge, were able to afford assistance to us in our investigation. In addition to the evidence given orally before us we were favoured with many written communications of considerable value, which we have published in the Appendix.

The evidence taken by the Commission

*Operation of Land Law (Ireland) Act, 1881.*

4. The number of agricultural holders of land in Ireland according to the census return of 1881 was 499,108, of whom 161,029 were holders of less than 10 acres. It has been roughly estimated that about 150,000 of the total number were leaseholders. All leases were excepted from the operation of the Land Act of 1881, but it was specially provided that at the expiration of such existing leases, or of such of them as shall expire within 60 years after the passing of that Act, the lessees, if in *bona fide* occupation of their holdings, should be deemed to be "present tenants" within the meaning of the Act. After deducting leaseholders there were left, in round numbers,

Number of agricultural holders.  
32: 41: 595.

about 350,000 holders of land, the great majority of whom held as tenants from year to year. Certain other holdings, such as those let for the purpose of pasture, and town parks, were also by the 58th section of the Act excluded from its operation, but, with these large exceptions, tenants who were in *bonâ fide* occupation of holdings, as defined by the Act, were entitled to avail themselves of the benefit of its provisions.

5. Under the 8th section of the Act all such tenants could apply to the court of the Land Commission, created by the Act, or to the County Court, to have a "fair rent" fixed. The landlord and any such tenant might also enter into an agreement as to what the fair rent of the holding was to be, and on such agreement being filed in court it had the same effect as if the rent agreed on had been fixed by the court. After the judicial rent has been fixed the tenant is practically entitled to hold his farm without disturbance for an unlimited period, provided he observes the statutable conditions, which include the payment of the fixed rent, a rent subject to revision at the expiration of every successive period of 15 years, by a tribunal independent of either party.

6. The grievances to which tenants were liable by reason of insecurity of tenure were thus entirely removed by the provisions of the Land Act of 1881, which gave fixity of tenure to every tenant who applied for, and obtained a judicial term.

7. Tenants who applied to have their rents fixed before the 15th day of November 1881 were entitled to have their notices of application recorded, which procedure made their new rent run from the last gale day of the year of 1881, no matter when their case was subsequently heard. This provision brought a very large influx of cases into the Land Commission Court at the commencement, and, as a consequence, in a large proportion of the cases in which rents have been fixed, more than five years of the statutory term have now elapsed.

8. The entire number of fair rents fixed by all the methods provided by the Act between the 21st of August 1881 and the 22nd of August 1886 was 176,600. The leaseholders are as yet excepted, but if we deduct them from the 350,000 holders who were *primâ facie* entitled to come into court, after making a large allowance for other excepted holdings, we arrive at the conclusion that about 150,000 tenants who were entitled to avail themselves of the provisions of the Land Act of 1881 have not yet done so.

9. The following table\* shows the per-centage reduction of rent, made:—

Period.	Sub-commissioners Per-centage of Reduction.	Civil BM Courts Per-centage of Reduction.
Year ending 22nd August 1882	20.5	22.
" " 1883	19.5	22.
" " 1884	18.7	20.1
" " 1885	18.1	19.6
" " 1886	24.1	22.5

The reductions made from January 1886 to the present time, if taken by each month, present a larger per-centage.

10. In the five years the sub-commissioners reduced a rental of 1,601,560*l.* to 1,267,272*l.*, the per-centage of reduction being 19.6; in the same period the county courts reduced former rents amounting to 112,709*l.* to 69,212*l.*, the per-centage of reduction being 20.8. During the five years, by agreements entered into and lodged with the Land Commission, rents amounting in the aggregate to 1,383,682*l.* were reduced to 1,153,846*l.*, the per-centage of reduction being 16.6. And by agreement lodged with the county courts, rents amounting to 109,157*l.* were reduced to 90,700*l.*, the per-centage of

\* See Report of Irish Land Commissioners, 1886.

reduction being 16·9. In all, by the operation of the Act, including arbitrations, a rental of 3,227,021l. has been reduced to 2,638,549l., a per-centage reduction of 18·2.

*Operation of the Purchase of Land (Ireland) Act, 1885.*

11. Three opportunities have been given by the Legislature to assist the Irish farmers to become owners of their farms. Very little advantage was taken of the first, under the Act of 1870, by which two thirds of the price was lent by the State, repayable by instalment and interest at five per cent. yearly, for 35 years. In this case the tenant had to find one third of the price. By the Act of 1881, in addition to other great advantages, the State was, on the same terms, to advance three fourths of the price, the tenant finding one fourth. A third or a fourth of the price was to be paid down, which was a guarantee that the purchasing tenant was either a man of some means, or of good credit. This safeguard was entirely withdrawn by the Act of 1885, so far as the purchaser is concerned, but instead of this the action was reversed, and the seller must make the deposit when the tenant has no capital to offer. Only 702 tenants purchased under the Act of 1870, the amount of the purchase money being 700,146l. Under the Act of 1881, 731 tenants obtained loans to the amount of 240,554l., each loan representing, as a rule, three fourths of the purchase money. Under the Act of 1885, up to the 31st of January last, the Land Commission have had 5,106 applications for loans, the amount of the purchase money applied for being 2,446,946l.

We shall now deal with each head of the subjects of inquiry entrusted to us:—

*Combinations.*

12. It appears from the evidence that the operation of the Land Law (Ireland) Act, 1881, has been affected in many districts by combinations to resist the payment of rent and the right of free sale. In Ulster, such combinations do not, as a rule, exist.

28,909; 16,454;  
24,796.

13. In the other provinces combinations made themselves felt before the passing of the Land Act, 1881, and have in various forms continued to the present time. Outrage was at first made use of to intimidate parties who were willing to pay rents, but latterly the methods of passing resolutions at National League meetings, causing their proceedings to be reported in local newspapers, naming obnoxious men and then boycotting those named, have been adopted. Tenants who have paid even the judicial rents have been summoned to appear before self-constituted tribunals, and if they failed to do so, or appearing, failed to satisfy those tribunals, have been fined or boycotted. The people are more afraid of boycotting, which depends for its success on the probability of outrage, than they are of the judgments of the Courts of Justice. This unwritten law in some districts is supreme. We deem it right to call attention to the terrible ordeal that a boycotted person has to undergo, which was by several witnesses graphically described during the progress of our inquiry. The existence of a boycotted person becomes a burden to him, as none in town or village are allowed, under a similar penalty to themselves, to supply him or his family with the necessities of life. He is not allowed to dispose of the produce of his farm. Instances have been brought before us in which his attendance at divine service was prohibited, in which his cattle have been, some killed, some barbarously mutilated; in which all his servants and labourers were ordered and obliged to leave him; in which the most ordinary necessities of life, and even medical comforts, had to be procured from long distances; in which no one would attend the funeral of, or dig a grave for a member of a boycotted person's family; and in which his children have been forced to discontinue attendance at the National School of the district. Had we thought it necessary for the purpose of our inquiry, we could have taken a much larger amount of evidence to prove the existence of severe boycotting in very many districts. We did not, however, think it necessary to examine more than a sufficient number of witnesses to inform ourselves, and to illustrate the cruel severity with which the decrees of local self-constituted tribunals are capable of being, and are actually, enforced. A document entitled "The Plan of Campaign," which

108, 334, 275, 275,  
244, 14,088, 14,088,  
15,024, 15,024, 15,024,  
15,024, 15,024, 15,024,  
15,024, 15,024, 15,024,  
15,024, 15,024, 15,024,

25,112, 25,112, 24,994.

Boycotting  
described.

14,084, 14,084, 14,084,  
14,084, 14,084, 14,084,  
14,084, 14,084, 14,084,  
14,084, 14,084, 14,084,  
14,084, 14,084, 14,084,

16,374; 20,884.

sets forth an elaborate system for resisting the enforcement of legal obligations, is being extensively circulated amongst the tenantry, and has been acted on. It will be found in the Appendix.

#### Interference with sales of holdings.

1846, 18,769, 12,073;  
1849, 21,551, 23,591;  
23,542

425, 1302, 1865, 1497, 1495,  
9840, 10571, 22300, 14,234  
18,059, 26,149, 26,418  
36,679, 50,725, 18,135;  
18,249, 17,684, 17,301;  
17,630, 17,549, 17,509;  
17,567, 18,212, 22,662;  
18,031, 20,072, 23,094

#### Results of combinations.

20,310.

850; 14,927;  
16,494; 25,673  
21,595.

23,310; 24,063.

14. These combinations frequently interfere with the sales of holdings, especially if the object of the sale is to get over a difficulty with the landlord, and thus in many instances "free sale" has been prohibited. Where they hold away, this important provision of the Land Act of 1881 is inoperative.

15. It has been said that these combinations only exist for the purpose of obtaining equitable reductions of rent. In some cases that may be true, and the refusal by some landlords of any abatement may explain much that has occurred. But the evidence shows that the tenant farmers who join many of these combinations, constitute themselves the sole judges of what is an equitable rent. Landlords in many districts, no matter how moderate their rents may be, are practically unable to collect them. The tenant in arrear of rent is sometimes prohibited from selling his holding, and if the landlord ejects him for the non-payment, no matter how low the rent, nor how large the arrears, the land must lie idle on the owner's hands, as he is neither allowed, even if he has the means, to work it himself, the land being strictly boycotted, nor dare anyone hire what is known as an evicted farm, and very large tracts are now in consequence waste. Thus the recovery of rent is rendered difficult and sometimes impossible. Tenants whose rents have not been judicially fixed, save those excluded from the Act, have the power at any time to resort to a legally constituted tribunal for the purpose of having a "fair rent" fixed. The decision of that Court is absolutely binding on the landlord, but public opinion in many parts of the country does not recognise any binding effect of such a decision on the tenant, who, if dissatisfied, may join a combination for the purpose of obtaining a still further reduction. The existence in many parts of Ireland of such combinations is a matter of public notoriety, and they are openly advocated by the leaders of the present agitation.

On the other hand their formation has doubtless been facilitated by the circumstances which we now proceed to consider.

#### Fall in Prices.

478, 3563;  
20,785.

16,167; 16,189;  
16,701; 18,339;  
18,631.

Additional reductions by Sub-Commissioners &c.  
215, 494, 708, 900, 1  
22,620

1000, 8881, 1002, 15,330;  
825, 417, 961, 2255;  
7719, 12,703, 26,650;  
26,591, 26,690, 16,544;  
17,660, 18,147, 26,604;  
25,212, 25,586, 27,509

16. The fall in the price of produce of all kinds, and in all parts of the country, has much impaired the ability of the farmers to pay the full rent. And this, following on a previous general restriction of credit by the banks and other lenders of money, as well as by the shopkeepers, has very greatly increased their financial difficulties. Much evidence in proof of this has been laid before the Commission.

17. The Sub-Commissioners, recognising the depression, began towards the end of 1885 to reduce the rents then being judicially fixed, by from 10 to 14 per cent. below the scale of reduction in the four previous years. And they have since continued to act on this principle.

18. The sudden fall in price during the last two years was intensified in its effect by a gradual deterioration which had been going on in the quality and produce of the soil, both tillage and grass, during a series of years of low temperature and much rain, especially 1879, the worst year of the century. During this period much of the tenant's capital in Ireland, as in other parts of the United Kingdom, had disappeared. The cost of cultivation, compared with that of an earlier period, had also greatly increased. The land has in consequence been much drawn upon, and reduced in condition by the increasing exigencies of the tenants, and has thereby brought poorer crops, with consequent scarcity of money to meet engagements, both to landlords and to other creditors. The withdrawal of credit to the farmers by the banks and other lenders of money which began after 1879, (although to some extent to be attributed to the difficulty of collecting debts owing to the organisation of the National League,) is strong evidence of the diminishing means of the Irish farmers by persons most closely acquainted with their circumstances. All classes are thus suffering from the defective produce of the soil over a period of years, a state of things much aggravated by the sudden fall of prices in the last two.



19. In order to test the value of the statements made to us, the Registrar-General was requested by this Commission to prepare a return of the value of live stock and crops, showing the numbers, at various ages, of cattle and sheep, and the estimated produce of the crops, with the average prices of each year, and of each kind, from 1881 to 1886. This carefully prepared statement shows an average fall in the last two years as compared with the average of the four preceding years in the value of the agricultural capital of the occupiers of land in Ireland amounting to 18½ per cent., a loss which goes far to explain the present depressed condition of Irish agricultural property.

Fall in value of agricultural capital. 235.

#### *Purchase by Occupiers.*

20. In Ulster there is a general desire among the tenants to avail themselves of the Act of 1885, and the number of applications (2,274) up to 31st January last in that province, is nearly equal to that of the whole of the three other provinces (2,832). But, from the fact that rents are very secure and regularly paid in Ulster, the landlords are not pressingly desirous to sell, some not at all, and most of the others not unless they can obtain a price, the return from which, when re-invested, will reasonably compare with the present net rental. This price is deemed too high by the tenants, who complain that an unfair advantage is thus taken of their quiet and orderly conduct, as compared with that of other parts of the country. But considerable progress is nevertheless being made, though chiefly in the case of those great absentee proprietors, the London Companies, who since the time of James I. have held large estates in Ulster, and some of whom have speedily come to terms with their tenants, seeming glad to have found so ready a method of turning their estates into cash.

Applications in Ulster.  
6665; 6604;  
8689; 8621;  
8965.

21. In other parts of Ireland there is a readiness to sell by most landowners, and generally on what in England would be considered moderate terms. But the disposition of the tenants to buy is to a great extent owing to the desire for the immediate reduction that it would bring in their present rent, by the substitution of lower annual payments as instalments of the purchase money. This upon 18·8, the average number of years purchase at which sales have been made up to the 21st of August last, under the Act of 1885, is equal to an immediate reduction of nearly one fourth of the tenant's former rent, after payment by him of the landlord's half of the poor rate. But it has been realised at a price which, to the owner of a settled estate, when re-invested in Consols, after allowing for expense of management and rates, reduces his net income by nearly one third. Among the general body of tenants, especially those of the smaller class, there is great apathy in regard to the advantage of becoming owners. To the small tenant, the saving of a few shillings in an annual payment of one or two pounds instalments is hardly noticeable; and he, as well as the larger tenants, knows that, under the Act, each tenant occupier is the only possible purchaser of his farm, and that, therefore, he need be in no haste to decide. So much has been already gained for the tenants that most of them are easily led to believe that, by waiting, they may get more. They are said to be advised by the Nationalist party to take this course. They are also conscious in very many cases of the readiness of their landlords to give them time, and treat them considerably, in adverse seasons, while they do not look for like treatment from the State in seasons when the half-yearly instalments might be difficult to pay. We believe, however, that when the country becomes more settled a transfer of property from owners to occupiers will be rapidly effected on terms very favourable to the tenants.

Applications in other provinces.

5994; 5991; 5991; 5994;  
5994; 5994; 5994;  
5994; 5994; 5994;  
5994; 5994; 5994;  
5994; 5994; 5994;  
5994; 5994; 5994;

5994; 5991; 5994;  
5994; 5994; 5994;  
5994; 5994; 5994;  
5994; 5994; 5994;  
5994; 5994; 5994;

5994; 5994.

22. This transfer we consider to be in every respect desirable with the better class of tenants, and we are strongly in favour of a continuation of the experimental policy embodied in the Land Purchase Act of 1885, as a means of largely increasing the number of occupying landowners in Ireland. In countries like England, where the landlord is really the owner, and where as long as he does not confiscate the money laid out by the tenant, he can exercise all the rights of a proprietor, his feeling of ownership makes him take pride in his estate, and he spends largely upon it to the profit of the tenant without certain expectation of an adequate return. This does not represent the position of the Irish landlord: he has ceased to be the owner, and is placed

Transfer of ownership desirable.

5994; 5991; 5994; 5994;  
5994; 5994; 5994;  
5994; 5994; 5994;  
5994; 5994; 5994;  
5994; 5994; 5994;  
5994; 5994; 5994;

more in the position of an encumbrancer on his property, in the improvement of which he has no longer any interest, while his influence for good has been much diminished. If, on the other hand, the land were really the property of the occupier, subject to a fixed instalment to be paid like a tax for a certain period to the State, and which must be met like any other tax, there is every reason to hope that, during this period and still more when the payment comes to an end, he would set to work with a will to improve and cultivate what is really his own property, and would become a law-abiding and law-enforcing member of society. Such is the opinion of the vast majority of the witnesses we have examined on the subject, and such has been the result in several instances which were detailed to us where purchases have been effected. The Irish people are naturally honest, hard-working, and deeply attached to their native land, and all these causes will tend to make them, when invested with ownership, good citizens and loyal subjects. In the approximate establishment of local boards, elected by the people, it is pre-eminently desirable that those who are to regulate and fix the expenditure should be representatives of those who have to pay the public rates, otherwise the consequences to the country might be disastrous. If the system now prevailing in Ireland was found in practice to work well, no theoretical imperfection would much signify, but the direct contrary is the case. The landlords consider themselves in an untenable position. The tenants, as a rule, have not much regard for the landlords as such. In the north they are generally indifferent to them, and in the south they are often bitterly hostile. The tenants are already a prey to money-lenders, and are exposed to many of the evils which attend peasant proprietorship without the sense of independence and responsibility which it produces. While we are aware that no immediate change on a large scale is possible, we hope that ownership of land by occupiers in Ireland may gradually increase. It would be impossible, even if it were desirable, to restore the position of the landlord to what it is in England. Any move that is to be made must be in the opposite direction. We therefore strongly recommend that, without resorting to compulsion, the Government should continue their efforts to encourage the establishment in Ireland of the occupiers as the owners of the soil.

1874.  
MAY 11, 1880.

Operation of  
Purchase Act  
necessarily slow.  
1882, 1883, 1884

1885, 1886, 1887.

1888, 1889, 1890.  
1891, 1892, 1893, 1894,  
1895, 1896, 1897, 1898,  
1899.

273; 721; 1580;  
2618; 3719; 3628;  
16,354; 16,467;  
16,886; 16,738;  
17,742; 18,711;  
18,753; 18,923;  
19,919; 23,646.

Term of 49 years  
ought not to be  
extended.

6447.  
6606.

The action of the Purchase Act is necessarily slow, but it is essential to its success that time should be given for prudent arrangements between landlord and tenant, and for satisfactory inquiries by the State. And by continuing to give limited sums from time to time as the demand arises, Parliament will have the power to discontinue them if, from any cause, the recovery of the advances should appear to be in hazard.

23. Several witnesses have recommended that the Act should be made compulsory, both on landlord and tenant, at a price fixed by the Land Court, when the parties fail to agree. But, independent of other grave objections to compulsion, there might be some ground for repudiation hereafter by a purchaser who had been compelled by the State to buy.

24. We are clearly of opinion that while much benefit to individuals, and to the tranquillity of Ireland would arise by the substitution in each county of a large proportion of the best of the tenants as cultivating landowners, it is not desirable that good landlords, now resident, should feel themselves practically expelled from the country. This view has generally been held by the most competent witnesses examined by us. And it is very desirable that no pressure of any kind that might tend to discourage their continued residence in the country should be sanctioned by law. Such landlords have shown much consideration in dealing with their tenants in the difficulties of the time, and we have had sufficient evidence of the sacrifices they have readily made.

25. We do not recommend that the term of 49 years should be extended, as has been urged by many of the witnesses examined, in order still further to lower the amount of the annual instalments. There has never before been made in this country, nor in any other that we are aware of, so liberal an offer by the State to assist farmers to become landowners. At the probable rate of years' purchase on which sales will be made a large reduction will be received by the tenant on his present rent. If the term was lengthened the price would possibly be raised. And considering the position of other sections

of the community in the United Kingdom, who might think they had as good a claim to be aided in their business by the credit of the State, we think the Irish tenants may well be content with the terms of this generous offer.

*Security through Local Authorities.*

26. We have found an all but unanimous opinion against the expectation that any satisfactory result could be obtained, by attempting to introduce local authorities as guarantors either for ordinary or congested districts. And the evidence shows that these authorities would decline such responsibility.

*Congested Districts.*

27. Nothing hitherto has been effectual in bringing any improvement to the condition of the people inhabiting what are called "congested districts." It would, in our opinion, be a very grave mistake to deal with this class of people as if they were "farmers," i.e., people understood to live altogether upon the produce of their holdings. That is not their position; it would therefore be mischievous to attempt to deal with them in this report, except as a class distinct and separate from "farmers" properly so called. The inhabitants of these districts must be regarded as labourers, who occupy residences with portions of land attached, which assist them in the support of themselves and of their families. Regarding them as such, we have to consider the conditions on which they occupy the holdings we have alluded to, and the labour or employment upon which they must largely depend.

28. It is well to define what we understand by a "congested district." We understand such a district as one where the land is of inferior quality, not good enough for pasturage, and not naturally adapted for profitable agriculture, occupied by a large number of poor people holding at small rents, and where each separate holding is not of itself capable of supporting the holder and a family. We desire to call attention to the evidence of the O'Connor Don on the subject, and to his description of these holdings of which he has much experience.

29. We found that the occupiers of such holdings supplemented their means of living by working as labourers during certain seasons of the year in England and Scotland, or for farmers at home, or, when they live near the coast, by fishing. In these congested districts a failure in any year of the potato crop, and of labour, means utter destitution, or public assistance. It is not their rent which reduces them to this condition, any more than the payment of rent affects other labourers. The liability to pay for house and home is an incident to the existence of all tenants. The inhabitants of these districts have this advantage, that the law of the land steps in to fix a "fair rent" upon their holdings. Employment is the condition of their lives, but there is no field for it near their homes. The relief of people living in such a precarious position seems to demand the careful consideration, and prompt action of the State.

30. The general introduction of mowing and reaping machines into England and Scotland has so greatly lessened the demand for Irish labour that these portions of the Kingdom can no longer be considered as offering a sufficient field for migratory labour of this kind. Under such circumstances, two remedies only have presented themselves; either employment must be found for these people at home, and we fear there is but little hope of this being practicable; or a considerable proportion of them must be enabled to move to some place where such employment exists.

31. We recommend that means should be found for affording technical education to those who remain in these districts, where knowledge as to the mode of earning a living is at present confined to a rude skill in manual labour. The children are intelligent and quick-witted, and would, if afforded instruction, speedily attain a sufficient proficiency in any skilled employment to induce them to go out and take their place among the trained workers of the country.

32. Whether it is desirable that the occupiers of such holdings as we have been now dealing with, should become purchasers under the Land Act of 1885, is a question on which we have heard a diversity of opinion. Having given this subject our best consideration, while we are unwilling to recommend

their exclusion, as a class, from the provisions of that statute, we think that much caution should be exercised in dealing with them as purchasers of their holdings. In the meantime the only remedy we can suggest for the relief of the more necessitous in these districts is assisted family migration or emigration. There are funds already provided for this purpose by the Act 46 & 47 Viet. c. 43, with which a beginning might be made next spring.

691; 14,461.

#### Emigration.

5871; 16,884;  
17,347; 17,462;  
18,052; 18,075;  
21,816; 23,425;  
23,620; 27,185.  
14,458; 26,600.

33. With regard to emigration, when the population of a naturally infertile district has increased beyond the means of supplying itself with food, the remedy is to move a portion of them to a region where there is good land and sufficient scope for profitable labour. This becomes the more necessary in localities where the chief food produced is the potato, which is the most uncertain and variable in its produce from year to year, and the most liable of all agricultural products to disease. Within the last eight years, the crop in Ireland has varied from a full crop to a half and a third, the last placing the people in a condition verging on famine. There are thousands of holdings averaging 2l. rental, which may be assumed to be in this condition. A family of four or five on each holding indicates a large population always exposed to this hazard.

Beyond the sea, west or east, this country in its Colonies possesses immense regions of fertile land. That which is the nearest is also the most suitable for an agricultural population. The fertile plains of North-west Canada can be reached from this country in about ten days, not much longer in time than was occupied by a Galway or Donegal labourer, in former years, in reaching his harvest labour in Lincoln or East Lothian. The people are here, and the land is there. It is for the benefit of the people, and in the interest of the United Kingdom and Canada, that the people should for their own comfort and future prosperity be placed upon the land. It should be a National undertaking, and one great business of the Irish Office, and the Colonial Office, in conjunction with the Government of Canada, should be to arrange the best method to carry it out. Due care should be taken in the selection of suitable land and climate, and preparation should be made for the reception of the people towards the end of May in each year, with the summer before them, with lodging provided and sufficient ground broken, and planted with crops to afford sustenance in the coming season. The credit of the State could not be better employed in Ireland than in active promotion of this most necessary undertaking. Communities with their pastor and schoolmaster, should go together, and settle near each other for mutual help and neighbourhood. This may become only a part of a larger scheme for the systematic movement of the unemployed population from any part of the United Kingdom, to the unoccupied and fertile lands of the British Colonies, to the mutual advantage of both.

#### Judicial Rents.

217; 404; 706;  
391; 1710; 6974;  
17,077; 24,846.

34. The fall in agricultural prices in 1885 and 1886 has forced upon the Sub-Commissioners and Court Valuers the necessity of a further reduction in fixing rents, than was made on those dealt with in the four preceding years. We have received much evidence on this point, and various suggestions, such as the adoption of rents regulated by the annual average prices of the principal articles sold in each province; or by shortening the term of re-adjustment of rents.

35. It is clear that, if agricultural rent is fixed in money, the fluctuation of prices must cause it to be occasionally unequal. Variation of seasons has also to be taken into account. But for that there is no other remedy than the consideration that should be given, in fixing the rent, to the greater or less liability of variation in each locality. It is otherwise with prices, and as it is quite impossible to foretell how far they may be affected by foreign importations of food, and other causes, this uncertainty should be differently dealt with.

15,776; 16,636.  
19,819.

36. Although it is most undesirable to disturb an arrangement which was understood to be a permanent settlement, we cannot put aside the pressing necessities of the Irish tillage farmers, many of whom have lost much of their means and are besides much indebted to banks, local merchants, and other creditors. The Purchase Act, as we have said, must necessarily be slow



and would insure to the rest the early prospect of relief should the present depression of price continue.

Record of prices  
for comparison at  
present exists.  
26, 116, 1702, 21202,  
21221.

43. There is at present a record for comparison of the prices of the last five years with those of the five years preceding 1881, compiled chiefly from returns of the markets of Dublin, Belfast, and Cork. This will be sufficient for present purposes, but it would be expedient that for future use a more detailed record of prices of agricultural produce should be obtained. With this object, arrangements should be made in the office of the Registrar General, and authority given to him, by which the prices in the chief markets in the country should be collected, much on the same plan by which the average prices in England are now collected through the Board of Trade. The yearly averages should then be authoritatively fixed and published, at the commencement of each year. When these returns have been obtained for a sufficient number of years they will then become a mechanical guide to landlord and tenant, in future five-yearly settlements. It would be advisable that every amicable readjustment of rent should be notified to the Land Commission with whom the custody of the record fixing the judicial rent will remain. In the event of difference the Land Commission, on the application of either party, should have power to readjust the rent by the official record of prices without any hearing in court, but we anticipate that the interposition of the Commissioners will then be rarely required.

If the Legislature should prefer to retain the present principle of re-valuation at the end of 15 years, the first two five-yearly changes can be made by the method we have recommended, and at very little cost, while the law would remain as at present at the end of the third five-yearly term.

Number of tenants  
at present affected  
by revision.

44. In considering the question of shortening the term of revision, the character of the tenants, and the extent of the interests affected have an important bearing. The number of tenants who have had judicial rents fixed up to last August were 176,800 on a rental of 3,227,021*l.*, and they held consequently at an average rent of about 18*l.* each. The revision we recommend, therefore, at present applies chiefly to the smaller and more needy class, comprehending only one third in number of the tenants, and about one fourth of the rental of Ireland, if the estimate of Sir John Ball Greene of the agricultural rental of Ireland he accepted as approximately correct. We trust that the leaseholders will be admitted to the benefit of the Act of 1881. But for those larger holders chiefly of grass farms, who would remain outside of the Act, the remedy must lie, as in England and Scotland, in friendly consideration and arrangement between them and their landlords.

45. The question of an earlier revision of the judicial rents is for the consideration of the Government and Legislature. We are constrained to recommend it from the straitened circumstances of Irish farmers.

#### *Leaseholders.*

Leaseholders.

46. The admission of agricultural leaseholders to the benefit of the Land Act, 1881, has been everywhere strongly pressed upon us as an act of justice to a class of most deserving tenants. We have had ample evidence of the fact that such tenants are amongst the most improving of their class. Having considered this evidence and the position of such tenants, we recommend that in the following cases the holders of leases and grants should be entitled to all the benefits of that Act.

19,879.

1st. All holders of purely agricultural leases of lands which, but for being leasehold, would be within the operation of the Land Act, 1881, provided the rent reserved by any such lease exceeds the amount of Griffiths' valuation of the land apart from buildings. We adopt this limit as a convenient one, and without in the least intending to lay down Griffiths' valuation as a standard of value.

9548; 10,323;  
14,369.

2nd. All holders of grants in perpetuity executed since the 1st day of January 1869, and which were not executed in pursuance of any antecedent covenant for renewal, provided the lands thereby granted are in the occupation of the tenant, and are exclusively used for agricultural purposes. We further recommend that in the foregoing cases the right to have a fair rent fixed should be conferred as well upon lessors and grantors, as upon lessees or grantees, and on those representing them respectively.

24,704.

3rd. It has been represented to us that the rents reserved by some grants in perpetuity of what were church lands in Ireland are excessive. If this be so we believe that the holders of those grants have a very strong case for getting their rents adjusted under the Land Act of 1881.

*Whether any modifications of the Law are necessary.*

47. We have reason to believe that the Land Act of 1881 in its operation has in some instances caused hardship, and should our suggestion be not adopted, may hereafter cause hardship and loss to persons, who being entitled to estates or interests in land under leases, or grants in perpetuity, and having sublet those lands, have had, or may have fair rents fixed thereon in favour of the occupying tenants, which in the aggregate are either less than the rents reserved by the leases or grants, or exceed them by so little as to leave the grantee or immediate tenant practically a loser. We recommend that such grantee or lessee should be empowered to surrender his lease or grant, and that such surrender should be without prejudice to the holding of any occupier, who should thenceforth hold directly from the grantor or lessor (as the case might be) to whom such surrender was made, such surrender to be, after investigation by, and with the approval of the Land Commissioners, or of the Judge of the Court of the county in which the lands, or the greater portion of them, are situate; and we further recommend that if the person making such surrender should happen to have in his own hands any portion of the holding to be surrendered, it shall be lawful for him to retain such portion as a "present tenant" within the meaning of the Act of 1881, and as such to have a fair rent fixed.

Middle men.  
1873; 21,028;  
24,871.

48. Evidence having been laid before us as to the practical working of sub-section 3, section 58 of the Act of 1881, which excepts from the operation of the Act any holding let to be used for the purpose of pasture, and valued as an annual value of not less than 50*l.*, we suggest that it should be amended by substituting 100*l.* for 50*l.*

Pasture Holdings.  
1881; 2876;  
14,726; 15,328;  
15,392; 15,569;  
17,157.

49. We recommend that all town park holdings exceeding five statute acres in size, and adjoining towns of less than 5,000 inhabitants, should be admitted to the "fair rent" provision of the Land Act of 1881, subject to the landlords having a power of resumption for building or improvement purposes on paying compensation for all permanent improvements.

Town Parks.  
1881; 14,182;  
14,574; 14,726;  
17,139; 18,262;  
22,668; 24,847.

50. The operation of selling land to the value of many millions sterling, and of distributing the purchase money amongst the several parties entitled, must, under any circumstances, be a vast one, involving the investigation and determination of almost every possible right capable of existing under our law in reference to real or personal estate. Without at present going more deeply into the question, it seems obvious that the entire operation from the first investigation of the initial agreement to the final distribution of the purchase money, should be conducted by one and the same tribunal. This tribunal should be possessed of plenary jurisdiction for the trial and determination of every question which may arise, in reference to the receipt, lodgment, investment, and distribution of all purchase or other moneys which it may be necessary to have brought into Court, and be armed with all necessary powers for the enforcement of its orders and the carrying into execution of its decrees. It seems manifest that such a Court should be a tribunal of the first rank, and presided over by the most eminent Judges available. Whether this can be better accomplished by amalgamating the Land Commission with the present Land Judges Court, or by absorbing the Judge of the Land Court into the Land Commission, is a question for the consideration of the Legislature. All we desire is to urge the advantage of establishing one first-class Court for the transaction of business of great importance.

Amalgamation of  
Land Courts.  
27,278-27,281.

51. We recommend that when the purchase of a holding agreed upon between any tenant and his landlord has been sanctioned by the Land Commission, if the title of the landlord cannot be expeditiously deduced or proved, it shall only be necessary, in the first instance, for him to satisfy the Land Commission that he, or his predecessor or predecessors in title, have been in the actual receipt of the rent incident to the tenancy for the twelve years immediately preceding. Upon being so satisfied, the Commission may at

Simplification of  
title.  
2648; 3646;  
12,223; 17,918;  
22,132; 25,610;  
27,227; 27,275.

once cause the purchase money to be paid into the Bank of Ireland to such credit as they may direct; and make an order vesting in the tenant his holding, subject in the first place to the payment of the annual instalments to become due in respect of the purchase money, and then to all claims, if any, affecting the late tenancy; and thereupon the Commission should forthwith proceed to ascertain the respective rights of the several persons entitled to the purchase money, and distribute it amongst them, having in the meantime paid the interest from time to time to those entitled thereto. And in cases where the title of the tenant who has agreed to purchase cannot be expeditiously deduced or proved, we recommend that it shall only be necessary for him to satisfy the Commission that he, or his predecessor or predecessors in title, have paid the rent incident to the tenancy to the landlord selling to him (or to his predecessor or predecessors) for the twelve years immediately preceding, and that thereupon the Commissioners may make an order vesting the holding in such tenant subject to all just claims. We suggest that when title has been made to an estate for the sale of any portion, such title should be recorded by the Commission so as to avoid the necessity of a similar investigation upon the sale of any other portion of the same estate.

See Appendix E,  
Paper I. 52. Most of the proposed amendments herein-after submitted have been suggested by Mr. Lynch a member of the Land Commission, as necessary to expedite and facilitate the working of the Land Act of 1885.

Guarantee deposit.  
14,515; 1831;  
2738; 15,146;  
22,915; 22,903. 53. We recommend that a discretion should be vested in the Irish Land Commission enabling them to dispense with the guarantee deposit mentioned in the 5th section of the Purchase of Land (Ireland) Act, 1885, either in whole or in part, as they may think right, in cases where they are satisfied that the value of the tenant's interest added to that of the landlord's affords sufficient security.

Powers to trustees. 54. We further recommend that in all cases where a mortgage of an estate is vested in trustees, or where any estate is vested in trustees for sale, all such trustees should be empowered to authorize the application of any of the moneys payable to them in respect of such mortgage, or under such trust, to the purposes of a guarantee deposit.

390; 27,390. 55. We recommend that the Land Commission should be empowered, upon the application of the owner of a guarantee deposit, to invest the same in any securities authorized by the Settled Land Act.

Advance of portion  
of purchase money. 56. Having regard to the language of section 2, sub-section A. of the Act of 1885, we recommend that the Land Commission should be empowered, when a purchasing tenant has either paid in cash to the Commission, or secured by mortgage of the holding any portion of the purchase money to advance to him the balance of the purchase money to enable him to complete the purchase of his holding, provided that such advance shall be the first charge on the holding.

Limit of advance  
by State to one  
tenant. 57. The Act of 1891 (section 34, 3rd sub-section) provides that an advance by the Land Commissioners to a purchaser in respect of any one purchase shall not exceed 3,000*l.*, unless by reason of some special circumstances the Treasury authorize an advance of 5,000*l.* We recommend that the Land Commission should be authorized to advance to the extent of 5,000*l.*, but that the same purchaser should not under any circumstances ever obtain an advance or advances together exceeding 5,000*l.* As the law at present stands any one purchaser may, by dividing one large holding into several small ones, obtain an advance exceeding 5,000*l.* We understand that such an operation has been effected.

Advances by State  
to have priority.  
2029; 2203;  
25,624. 58. It should be more clearly provided than at present, that upon a sale under the Act of 1885 the advance by the State takes priority over all charges affecting the tenant's interest. It would simplify and cheapen the working out of a sale under the Statute, if sub-section C of section 4, which provides that advances are to be secured by deed, were repealed, and it were enacted that in all cases the holding should be vested in the tenant by the order of the Commission, care being taken to clearly define in express language, and not by reference, the effect of such order.

Recovery of instal-  
ments. 59. In addition to the power now vested in the Land Commission of enforcing, by a sale of the holding, the payment of any advance made by them, we recommend that they should be empowered to issue writs



directed to the sheriff of any county or town, or, where the sum sought to be recovered does not exceed 40s., to any district inspector, requiring him to seize and sell for the purpose of satisfying such debt, any goods the property of the person in arrear which would be liable to be taken in execution, and may be found in his district. And we further recommend that it shall not be lawful for the Commission to declare any advance secured by a guarantee deposit an irrecoverable debt until they have exhausted all the means at their disposal for the recovery thereof, and further that upon a sale of a holding by the Land Commission on account of the non-payment of any instalment, they should be empowered to issue a writ to the sheriff of the county in which such holding or any part thereof is situated, directing him to forthwith put the purchaser into possession.

60. We recommend that all quit and Crown rents, and tithe rentcharges should be redeemable or apportionable. If apportioned, provision should be made against minute division, and if redeemed, that the rate of purchase required for that purpose should be reduced. It must be remembered that when the liability to pay the tithe rentcharge was placed upon the landlord, he could contract with his tenant for the amount of his rent, and he had the right to obtain a periodical revision of the tithe, which was dependent on the value of agricultural produce. Now, the landlord has the rent fixed for him, and the right of periodic revision of tithes has been taken away. Lay tithes should also, on a sale, be apportionable or redeemable as recommended in the case of quit rents and the other outgoings mentioned.

61. The question of family and other charges on land, as now reduced in value, deserves the most careful consideration of the Legislature.

62. With reference to head rents, we recommend, that in addition to having the power of apportionment, the Land Commission should, upon the application of the person entitled to such rent, redeem out of the purchase money any head rent or apportioned head rent upon such terms as may be just.

63. Large sums have been advanced by the Board of Works in Ireland for the drainage and improvement of lands, as loans repayable by annual instalments. It has frequently happened that such loans have been made charges upon lands other than those upon which expenditure has actually been made; in such cases the sale to a tenant, if not of the entire lands charged, will be either of portion of lands on which money has been laid out, or of lands on which there has not been any outlay, or of lands partly of one class and partly of the other. We suggest that in either case the Land Commission should have power to apportion the annual instalments payable to the Board of Works amongst the said several classes, or amongst some of them, to the exclusion of the others, care being taken that, in any case, such lands as have been the subject of expenditure should, in the hands of a purchaser, continue liable to a just proportion of such instalments while they continue payable.

64. A mortgagee is not bound to accept a part payment on account of his mortgage. It follows that if a holding sold to a tenant be portion of a mortgaged estate the purchase money must (unless with the consent of the mortgagee) be invested at 3 per cent., while the mortgagor is liable to pay the higher rate of interest secured by the mortgage. This fact is calculated to prevent sales. As a remedy we recommend that mortgagees should be obliged to accept the balance, if any, of such purchase money after payment of any interest due to them, in satisfaction *pro tanto* of their principal, provided the portion applicable to principal amounted to a substantial part thereof.

65. Upon the sale of holdings (portions of a settled estate) it may be often necessary, for the purpose of such sales, to indemnify the portions sold against head rents and other outgoings which cover the entire estate, by the portions not sold. We recommend that in such cases tenants for life, or other limited owners, to whom a power of sale is given by the statute, should also have the power to give such indemnities.

66. With a view to facilitate sales of insolvent estates, it seems to us desirable that in such cases the Land Commission should be empowered (after notice to the owner) to carry out sales of the holdings on such estates on the joint agreements of the tenants and of three-quarters in number and value of the several incumbrancers thereof.

Redemption of  
quit and other  
rents.  
2703; 19,296;  
25,644; 27,237;  
27,246.

Family and other  
charges.

28,710; 28,680; 28,677;  
28,680; 28,681; 28,682.

Head rents.

1921; 2025; 2026; 2027;  
2028; 17,124; 17,125;  
17,126; 17,127; 17,128;  
17,129.

Drainage and im-  
provement loans.

Mortgagees to  
accept portion of  
debt.

Power to limited  
owner to give  
indemnity.

2710; 17,162;  
18,077; 18,082.

Sale of insolvent  
estates.

27,149; 19,528

Ejection in case of disability of tenant.

67. We recommend that where the tenant of a holding is a limited owner, minor, lunatic, or under any other legal disability, and is not represented by a trustee authorised to sell or mortgage the holding, the Land Commissioners should have jurisdiction to appoint a trustee for the purpose of a sale through them.

Definitions.

68. We recommend a very careful revision of the definitions incorporated in the Land Act of 1885, and that the word "landlord" in that statute should be so defined as to include any body politic, corporate, or collegiate, whether aggregate or sole, and any public company.

Sub-letting.  
1,125, 1864;  
23,625, 31,813.

69. We suggest that any sub-letting or division which may be made of a holding purchased under the Land Act of 1885 before the entire advance has been repaid to the Land Commission should be absolutely void unless such sub-letting or division is made with the consent of the Commission.

Specific performance.

70. We consider it desirable that when once an agreement for sale has been lodged in the office of the Land Commissioners, and has been approved of by them, they should have jurisdiction to compel the specific performance of the agreement by either of the parties.

Devolution of title.  
25,025.

71. Upon the death of an occupier of a holding which has been purchased under the Land Act of 1885 provision should be made for the devolution of the holding on one occupier only while the instalments remain unpaid.

Grounds of refusal to sanction loans to be stated.  
17,963.

72. In all cases where a landlord and tenant have agreed upon a sale under the Act of 1885, but the Land Commission have refused to sanction such agreement, we recommend that either party should be entitled to obtain from the Commission a statement of the exact ground on which such refusal is based, and to be heard thereon, as we are of opinion that it is only reasonable that parties should have an opportunity of being heard upon a question vitally affecting the value of their property.

Re-adjustment of time allowed for redemption.  
18,019; 20,693;  
20,856; 27,396;  
22,905; 23,673.

73. In accordance with an opinion very generally expressed by witnesses, we recommend that in all cases of ejectment for non-payment of rent, where the plaintiff shall obtain a verdict or decree, as the case may be, the period of redemption shall run from the date of such verdict or decree. This would practically respite the execution of the writ of possession, or of the decree, for six months after the judgment in ejectment is pronounced. Under the law as it at present stands, immediate eviction is daily becoming more frequent, so it is from actual eviction the period of redemption now runs.

Limitation in actions for rent.

74. We further suggest that for the future, no landlord shall be entitled to recover any greater amount of rent in arrear than for two years next before the bringing of any action therefor.

Civil bill decrees.

75. We suggest that under civil bill decrees for sums of 10*l.* and upwards the decree of a county court shall in every respect have the effect of a judgment of the High Court of Justice in Ireland.

Butterine.  
18,783; 19,020.

76. A matter mentioned in evidence as telling severely against the interests of Irish dairy farmers is that "butterine" is fraudulently sold in increasing quantities as "butter," and a suggestion was made that it should be made illegal to use the word "butter" as an affix to, or as any part of, the name of the article referred to. We submit the suggestion as well worthy of the consideration of the Legislature.

#### *Maintenance of Law and Order.*

Maintenance of law and order.  
23,534; 23,960.

77. But whilst recommending certain changes in the law which circumstances have rendered necessary for the present relief of the tenants, it is right that we should also press, in the interest of all classes, the maintenance of law and order, which has in several parts of the country been grievously outraged. In the absence of that security which ought to be enjoyed in every civilised community, capital is discouraged, enterprise and industry are checked, and it is impossible that any country can thrive or any healing measures be devised which will add much to its prosperity.

#### *Dairy Produce.*

41, 18,020, 18,693;  
20,712, 22,498, 20,071;  
19,367, 18,665.

78. We have had much evidence regarding the production of butter in Ireland. There is probably no branch of Irish agricultural produce more

capable of large improvement than that of milk cows. There are 1,400,000 in Ireland, a small increase in the value of the produce of which would make much profit. Good butter would be cheap at 1s. per pound. Irish butter has been lately selling at 8d. If it could be so improved in quality as to be worth 1s., this, if three fourths of the milk was made into good butter, would increase the value of Irish butter by 3,000,000*l.* In Cork and other counties the more intelligent farmers and butter factors are working for this. Creameries are being established at central points to which the milk of the small farmers is sent in, and there treated by the best known process for the making of good butter. Winter dairying is also being introduced to supply butter and milk at the season when these are dearest. Very much in these directions may be done by farmers who will work intelligently with the means they may unostentatiously command. The value of foreign butter and butterine imported into this country yearly is about 12,000,000*l.*, a large share of which might be taken by Ireland if the quality of the butter was improved.

#### *Large Scale Maps.*

79. Sir Charles Wilson, who was at the head of the Ordnance Survey Department in Ireland when our Commission commenced work, drew our attention to the fact that Ireland was the only civilized country in Europe 1987. which has no cadastral survey on a large scale. We publish a memorandum from him on this subject in the Appendix to our Report. Except in the county of Dublin, there are no maps on a larger scale than 6 inches to a mile to represent rural districts. These larger maps have been found to be very satisfactory in consequence of the exactness with which the boundaries of small holdings can be delineated, and the greater accuracy with which the areas can be computed. The Land Judges Court and the Irish Land Commission have frequently found it necessary to get surveys made by the Ordnance Survey Department on the 25-inch scale for the purpose of carrying out sales. There are a very large number of holdings in Ireland held in small detached portions often at considerable distances from each other, which it is hardly possible to define on the 6-inch map with any degree of accuracy; and now that a Land Purchase Act has been passed, large scale maps for all Ireland would be an infinite advantage.

80. We desire to express our sense of the valuable services rendered to us by our Secretary, Mr. F. G. Hodder, throughout this enquiry. Besides conducting a voluminous correspondence on the business of the Commission, and in the arrangement of evidence, he has given valuable assistance in the preparation of the Report. His special knowledge of the details of the working of the Land Act has been most useful. And his forethought and care in carrying out the work of the Commission deserve our best acknowledgments.

COWPER.

\*MILLTOWN.

JAMES CAIRD.

J. C. NELIGAN.

F. G. HODDER,

Secretary.

21st February 1887.

\* Subject to the reservations and remarks set forth below.

# Supplementary Report by the Earl of Milltown.

I regret that I cannot concur in the recommendation of my colleagues for the revision of the judicial rents. Considering the many and grave objections to disturbing an arrangement described as final, and so recently arrived at by the Legislature, and also the fact that only five out of the fifteen years have elapsed, three of which have been fairly prosperous and two only the reverse, and that there is ample time in the ten years which the term has yet to run for the tenant to recoup himself for his losses, I am of opinion it is not desirable to make any alteration in the existing judicial leases. Almost every witness of every class informed us of the absolute necessity for finality in Irish land legislation, and if the settlement so recently arrived at were to be again ripped up, to use the expression of one of the tenants, it would be impossible for any class in Ireland ever again to believe in the finality of any arrangement arrived at by the Legislature. The two Chief Commissioners whom we examined were strongly opposed to any alteration of the term. Mr. Justice O'Hagan considered that "15 years was short enough," and "that he should be sorry to alter the time at present," and Mr. Litton said emphatically that "he could not conceive anything to justify legislative interference with the rents fixed under the authority of the Act if there is to be any finality, any trust in the Legislature," and that "fairly ascertained under the authority of what is a court of arbitration nothing would induce him to vary them by Act of Parliament unless the parties consented," and "that as regards this generally he did not see, if every five years there is to be a re-arrangement, there ever would be an end of it."

And this appears to me to be the view taken by the vast majority of the witnesses of every class. If it were thought desirable to compulsorily interfere with contracts solemnly guaranteed by the Legislature, and arrived at after enormous trouble, expense, and sacrifice, the claim of the landlords for compensation would be absolutely unanswerable. It is quite true, no doubt, that the sudden fall in prices and the bad harvests have during the last two years in many cases, chiefly amongst the tillage and dairy farmers, and the breeders of young stock, added to other causes mentioned in the evidence, rendered the payment even of judicial rents extremely difficult, and the vast majority of such cases have been met by the landlords with generous abatements and even remission of rent, a course of conduct the more honourable on their part as the fixing of their rents has been taken out of their hands by the State, and they themselves deprived of many of the legitimate rights of property. This fact, however, by no means proves that the judicial rents are too high.

Whatever the rent fixed for a series of years may be, unless it be altogether below the fair letting value in average years, such difficulties must be liable to occur from time to time, and their occurrence simply illustrates what one of the Sub-Commissioners themselves called, "The impossibility of fixing fair rents." Temporary depressions and temporary difficulties can only be met by temporary concession. It seems to be generally admitted that when fixed the judicial rents were not at any rate, with some few exceptions, too high, and that, therefore, if the remaining years of the term average the first three they will not be too high in the future. The average reduction all over Ireland has averaged about 20 per cent., and the judicial rents may be roughly stated to correspond with Griffith's valuation, which, unlike the judicial rents, was directed to be fixed on a scale of prices, those namely which prevailed in 1852. As the prices of farm produce which prevailed in that year, with the exception of wheat, which is very little grown in Ireland, averaged 50 per cent. less than they do now, it does not seem easy to see how the present state of prices can render difficult the payment of a rent that does not exceed Griffith's valuation, the more so as it was directed to be fixed at 25 per cent. below the fair letting value of the land, and, as it was made

6014; 6861.

1500; 22,853.

26,895.

311; 15,848.

26,040.  
19,797  
4658, 4770.

solely for purposes of taxation, it was the interest of both owner and occupier to get it made as low as possible. It is argued, on the other hand, first, that labour is much higher now than it was then; and, secondly, that the tenants have become used to a better style of living than that they were content with in former days. Both these statements are no doubt correct, and I heartily rejoice to think so, for the poor labourer in those days worked for starvation wages, and the food and clothing of the people was miserable in the extreme. But it must be remembered that the vast majority of the Irish tenants are very small farmers who employ no hired labour at all, working the farms themselves with the aid of their families, and that the large farmers, as indeed is pointed out elsewhere in the Report, have now the aid of machinery which was then unknown, and which has enormously reduced the necessity for manual labour. All articles of food and clothing, with the exception perhaps of meat, are cheaper now than then, so that after making due allowance for those two factors in the case, no adequate explanation has been given why a scale of prices which is at any rate 50 per cent. higher than that which prevailed in 1852, should render it impossible to pay rents which are at least 20 per cent. lower than those which were then paid without demur.

On the whole I am clearly of opinion, forming my judgment solely on the evidence, that the judicial rents cannot, with some few exceptions, when some excessive rents have not been sufficiently reduced and looking forward to the time they have still to run, be considered too high in any part of Ireland. No one would have dreamt of suggesting a revision had prices gone up, on the ground that the rents were too low, and I am unable to see the justice of an alteration, because during the last two years prices have gone down. The fact that when the league does not interfere, the tenant right at any rate of the smaller holdings, still fetches a very high price all over Ireland cannot be ignored; tables will appear in the Appendix showing that even in this year the liability to pay the judicial rents has fetched on the average considerably more than 20 years' purchase, and evidence has been given that land has been letting in the north for grazing and cropping purposes at 1*l.* per acre more than it fetched last year.

It appears, however, by the evidence of the Sub-Commissioners, that these gentlemen, or rather the majority of them, for they are not unanimous, have at some period as to the date of which they do not agree, but within the last 12 or 18 months, thought proper to make reductions, in the amount of which they do not concur, on a much lower scale than they had previously done, and this fact has caused very great dissatisfaction among the tenants whose rents were fixed on a higher scale. They naturally feel that if their rents are fair, those of their more fortunate neighbours, who have had greater proportional reductions, must be too low, and that they themselves are placed in an unfair position of inferiority; and consequently though previously satisfied with their rents, they have now become discontented. The evidence will show the reasons assigned by the Sub-Commissioners for the course they have thought proper to adopt, the chief one being the fall in the price of produce in the last two years. I confess it seems to me as unfair to fix an extra low rent for 15 years to come, because we have had two bad seasons, as it would be to fix an extra high one, because we had two good ones.

Even supposing that it should be thought consistent with justice and expediency to tamper with the existing judicial rents by further legislative interference, it seems to me that the plan suggested by the majority of the Commission is one that is open to the gravest objection of any that has been put forward, and according to the overwhelming weight of the evidence in, in Ireland at any rate, utterly impracticable. Not one single witness gave it unqualified support; even the four who appeared to be in favour of the principle admitted that it could not be worked without a datum line to start from, which at present we have not got, for it appears impossible to arrive at any general principle (if there ever was any) on which the judicial rents were fixed, and those rents *ex necessitate* have been fixed in the most perfunctory manner and on no basis whatever. They are said also to differ in amount according to the composition of each sub-commission court.

Again, it has, I think, been proved to demonstration that a sliding scale, founded on prices alone without taking produce into consideration, is calculated

to inflict the greatest injustice and hardship to the tenant. The year 1879, for instance, the worst of the century, as far as crops were concerned, was a year of high prices, but to charge a tenant a higher rent on that account, and to ignore the fact that the land produced little or nothing, would cause a feeling of dissatisfaction in the country that it would be hard to over-estimate. The evidence of the O'Connor Don on this point appears to me to be unanswerable and unanswered. On the other hand, an abundant produce may well compensate for lower prices. Nor can the season be left out of consideration in estimating the value of what the land produced. It was the wet harvests as much as the low prices that rendered 1886 a bad year for the Irish farmers. Both the oat crop and the barley crop were abundant, but the oat crop was most difficult and expensive to save, and the barley crop all but rendered useless by the inclement season. No doubt a fair rent which varied from year to year with the varying prices and amount of farm produce would be an ideal one, but, as the Bishop of Elphin has observed in his interesting paper,\* it would be, even if workable, a new and fruitful source of misunderstanding and litigation. No means at present exist for ascertaining the prices of the produce except in Dublin and Belfast markets and in Cork for butter, but the prices on Irish holdings vary indefinitely all over Ireland, and in order to draft a sliding scale it would be necessary to obtain statistics with regard to every county, and perhaps every barony, and none such now exist. It would be most difficult, in the opinion of practical men, to get at the prices of store cattle, on which so much depends, the prices given in the county papers being wholly unreliable, and the price of beef being no safe index of their value. It may be added that to the small occupiers, who consume the greater part of their produce themselves, the question of the price is comparatively with that of the amount and quality, unimportant. Another objection to the proposed scheme from the tenant's point of view is that it would seriously diminish the value of their tenant right. At present their judicial rents can practically never be raised, though nominally subject to revision at the end of 15 years it is clear from the evidence that the most sanguine landlord cannot hope, under the existing system, to have his rent raised at the end of the term, but, if the rent be liable to revision every five years on a self-acting scale of prices, it is evident that, if times improve, as there is every reason to hope, the rents must inevitably be raised all over the country, and the discontent and disturbance such a prospect would entail is fearful to contemplate. Nor would the proposal afford any relief to "the pressing necessities of the Irish tillage farmers, most of whom have lost much of their means since 1879, and are besides much indebted to banks, local merchants, and other creditors." The prospect of a remission of some 10 per cent. of their rents some twelve months hence will afford them no escape whatever from their present difficulties; their other creditors will not hold their lands because the landlords' claim will be assessed in the future, and the former possess the same power as the latter to compel a sale of the holdings, and are much more prone to exercise it. For tenants such as these here referred to in the report nothing short of some system of liquidation, similar to that recommended by Mr. Willis in his valuable paper,† seems calculated to afford any adequate relief. If tenants cannot bear the strain of two bad years it is clear that a quinquennial revision will not avail them in their present difficulties, and although they might look with complacency on a revision at the present moment when it must cause a reduction in their rents, they would look with the greatest aversion on a proposal which would entail the possibility of another revision five years hence which would have a totally opposite tendency. To sum up I object to the proposal, first, because it would be most unjust to alter compulsorily the existing judicial rents, secondly, because it appears to be, according to the overwhelming weight of the evidence, utterly impracticable in existing circumstances in Ireland, thirdly, because it would act most injuriously on the tenant by diminishing the value of his tenant right, and rendering him liable to have his rent raised from causes which may not affect his capability for paying it, and lastly, because it would plunge the country into a perpetual state of unrest and uncertainty which would produce a state of things even worse than that which

\* Appendix D, Paper 2

† Appendix D, Paper 3.

exists at present. The Land Act of 1881 is an admitted failure, and attempts to tinker it in accordance with abstract theories will only end in further disaster. 18,969; 18,973. 35,661.

All classes in Ireland are now looking, not to the discredited provisions of the Land Act, but to the cessation of the dual ownership which it created as the only solution of the Irish difficulty, and the sooner this can be effected, on terms just to both parties and not entailing an unfair risk to the State, the better for the peace of the country and the safety of the Empire, and I am satisfied from the evidence that if the tenants really believed that, as one of them said, "the last word had been spoken," and that there would be no further legislative interference between them and their landlords, that the conversion of occupiers into owners could be speedily effected on just and equitable terms. 5031; 19,380. 2355. 4024; 4235. 3198; 22,001.

There are some statements in the Report with which I do not altogether agree. In the first place I may mention the statement in paragraph 15, with regard to combinations, "that the refusal by some landlords of any abatements may explain much that has occurred." I can find nothing in the evidence to corroborate this statement, while there is much that is opposed to it. There is very little evidence of landlords having refused any abatements, they appear as a rule to have treated their tenants with generous kindness and forbearance. The chief refusals to grant abatements have been in Ulster, where, according to the report, "combinations do not, as a rule, exist." In the south and west, on the other hand, combinations appear to be in full force on estates like those of Lord Kenmare, where large abatements have been offered, while on Captain Cosby's estate, in the Queen's county, a refusal of any abatement appears to have actually put an end to a combination, and caused the rents to be paid in full. The evidence seems to me to point to the conclusion, that if the tenants were let alone, they would fulfil their legal obligations honestly, and to the best of their ability.

I am unable to agree with the statement in paragraph 18, "that there has been a gradual deterioration of the produce of the soil, both tillage and grass." The evidence shows that the grass crop of 1888 was one of the best on record, and that the oat-crop was the best remembered for 40 years. The turnip crop was also said to be one of the best ever known, and the barley crop, though ruined by bad weather in harvest time, was exceptionally good and plentiful. The potato crop too, of 1885, was a remarkably good one, and much above the average of late years. I also protest against the comparison drawn in paragraph 19 between the average production of two years with that of four; such a comparison seems to me unfair and misleading. 22,821; 20,118; 25,141. 5074; 23,208. 22,532.

In conclusion I must express my dissent from paragraph 25. I see no reason why, when the tenant desires it, the time for repayment of the instalments should not be extended from 49 to 60 years in accordance with the recommendation of the great majority of the witnesses. I cannot see how this could set injuriously to the State as it will be obviously easier to collect smaller instalments than large ones, while the longer there is a control over the tenants which prevents sub-division the better. The smaller the instalment of course the easier it will be to pay, and every instalment paid being so much more invested by the tenant in the land will make the remainder more safe. There seems to be a universal opinion that the whole burden of the purchase should not be borne by the present generation, but that some of it ought to be left to their successors, and looking forward to the probable fluctuation in prices and seasons which may occur during such a long series of years, and to the punctuality with which the instalments must be paid, differing in that respect from their present rents, in the collection of which, in the vast majority of cases, generous allowances have been made in bad times, there seems to be a general idea that there ought to be a considerable margin for such eventualities between the existing rents and the future instalments. 23,608. 19,961. 19,562-3. 2076.

MILLTOWN.

Letter from Mr. Thomas Knipe to the Right Honourable  
Earl Cowper.

My Lord,

Westminster Palace Hotel, Victoria Street,  
London, S.W., February 15, 1887.

AFTER careful consideration I regret that I cannot sign the draft report, being unable to agree with many of the suggestions and propositions it contains, and further for the reason that I am unable and could not be expected as a tenant farmer to fully comprehend the meaning of the numerous and important proposed legal changes contained therein.

I am deeply sensible of the importance and value of the recommendations which the report contains, especially those dealing with the shortening of the judicial term from 15 years to 5 years and the admission of leaseholders to the benefits of the Land Act.

Upon the question of combination, however, my views differ so widely from the opinions of many of the Commissioners that I am compelled to dissent, especially as assent on my part to certain paragraphs might create the impression that I am in favour of any fresh coercive legislation. I know the feelings of the class I represent and believe that combinations derive their force mainly from the exactions of excessive rents which the land does not produce.

For these reasons I have come to the conclusion to embody my own views in an independent report, which I hope to send you at an early day.

I remain, my Lord,

Your obedient servant,

THOMAS KNIPE.

P.S.—You will please have this letter published along with your report should my report not be in time—T. K.



NEWFOUNDLAND.

DESPATCH

FROM THE

SECRETARY OF STATE FOR THE COLONIES

TO THE

GOVERNOR OF NEWFOUNDLAND

ON THE SUBJECT OF THE

RESERVED BILL OF THE NEWFOUNDLAND LEGISLATURE,  
ENTITLED "AN ACT TO REGULATE THE EXPORTATION  
" AND SALE OF HERRING, CAPLIN, SQUID, AND OTHER  
" BAIT FISHES."

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Presented to both Houses of Parliament by Command of Her Majesty.  
February 1887.

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Despatch from the Secretary of State for the Colonies to the Governor of Newfoundland on the subject of the Reserved Bill of the Newfoundland Legislature, entitled "An Act to regulate the exportation and sale of herring, caplin, squid, and other bait fishes."

THE RIGHT HON. SIR H. T. HOLLAND, BART., G.C.M.G., M.P., to GOVERNOR  
SIR G. W. DES VŒUX, K.C.M.G.

SIR,

Downing Street, February 3, 1887.

I HAVE the honour to acknowledge the receipt of your Despatch of the 14th of January last upon the subject of the Bill passed by the Legislative Council and Assembly of Newfoundland during the last session, and reserved by you for the signification of Her Majesty's pleasure, entitled, "An Act to regulate the exportation and sale of herring, caplin, squid, and other bait fishes," a transcript of which accompanied your Despatch of the 26th of May last.

Her Majesty's Government have carefully considered your Despatch now under acknowledgment, together with your previous Despatches on the subject, as well as the Attorney-General's report and the petition which accompanied your Despatch of the 19th of June last, addressed to the Secretary of State by both Houses of the Legislature, praying that the Bill may not be disallowed.

The representations made by the Attorney-General and by Sir Ambrose Shea, with whom Her Majesty's Government had the advantage of repeatedly conferring during their visits to this country, have also received full attention.

Owing to the changes of the Government here, there has unfortunately been some unavoidable delay in dealing with this question, but I have made it the first subject of my consideration, and have not lost any time in bringing it under the notice of Her Majesty's Government, who recognise the great importance of maintaining and developing by all legitimate means that industry on which the greater part of the population of Newfoundland is directly or indirectly dependent. The representations of the French Government on the other hand have also necessarily received careful attention.

Her Majesty's Government are aware that when the Convention of 1857 was under consideration a clause relating to bait formed one of the grounds for the rejection of that Convention by the Government of Newfoundland; but it is to be remembered that the clause in question conferred on the French not only the right to purchase bait, but to take it for themselves on the south coast in a certain contingency, and was for this reason much more unfavourable to Colonial interests than that inserted in the "Arrangement" of 1885.

In the negotiations which have taken place since 1857 a provision for the sale of bait to French fishermen has invariably been contemplated, and has been agreed to by representatives of the Colony on more than one occasion. Moreover in resolutions adopted in 1867, and again in 1874, the Legislative Council and House of Assembly of Newfoundland agreed to a clause allowing the French to purchase bait at such times as British subjects might lawfully take the same.

More recently, again, when the "Arrangement" of 1884, in its first stage, was communicated to the Colonial Government, the article providing for the sale of bait to French fishermen was not objected to by them, although other modifications of the details of the Arrangement were pressed by the Colony. It was only at so recent a date as the spring of last year, when the Arrangement as revised in 1885, in accordance with the wishes of the Colonial Government, was presented for the final approval of the Legislature of Newfoundland, that exception was taken to the provision for the sale of bait to the French fishermen; and this objection was followed up by the passing of an Act to give effect to it.

I recapitulate these facts in order to explain how it is that Her Majesty's Government, while fully recognising the serious character of the representations now placed before them as to the actual condition and prospects of the Colonial fishing trade, feel constrained to admit that there are special difficulties in the way of an entire departure, at the present moment, from the policy which has been so long adhered to. The time

is now close at hand at which the French fishermen prepare to sail for the fisheries, and large expenditure has been incurred for the season; and the French Government, having received no formal intimation that the practice hitherto uniformly maintained will be departed from, has been entitled to assume that there will be no alteration in the arrangements for the current year. Her Majesty's Government would consequently not be justified in disregarding the strong protest of the French Government against the introduction at this late period of restrictions calculated to inflict grave loss upon the French fishermen; and as for this reason they are unable to advise the Queen to allow the Bill to come into operation in respect of the approaching fishing season, it will not at present be submitted for Her Majesty's confirmation.

I do not desire now to raise the question how far the objection to the sale of hait to the French should, if well founded, have been pressed at an earlier date. The papers before me make it clear that it has but very recently been discovered that the operation of the French bounties has so lowered the price of fish in the markets of Europe as to make the fishing no longer profitable to the colonists, who are not aided by bounties. In the 19th paragraph of your Despatch you state that on the continent of Europe French caught fish is sold for 12s. 6d. per quintal, while that caught by British fishermen, being better prepared, fetches 14s. per quintal. As the French fishermen receive, in addition, a bounty which you state amounts to some 8s. 6d. per quintal, it is sufficiently obvious that the British fishermen lie under a grave disadvantage; but I do not perceive that it has yet been shown in detail that although there is a great difference between the present price of 14s. per quintal and the former price of 15s. to 20s. which, as stated in a memorandum furnished to Her Majesty's Government, was obtained for Newfoundland fish until about two years ago, the Colonial fishery has actually ceased to be remunerative, and to what extent. It is desirable that the case for the allowance of the Bill should be supported by full evidence on this point; and during the current year it will be possible to ascertain accurately the full effect of the French bounties and the exact position of the British fishing trade. Until these facts have been established it is not possible for Her Majesty's Government to decide with confidence whether the proposed legislation will prove to be the best mode of applying a remedy for the depressed state of the Colonial fishery, or whether, after further communication with the French Government upon a more precise statement of the facts, such remedy may be found in some other direction.

Sir G. W. Des Voeux.

I have, &c.  
(Signed) H. T. HOLLAND.